

IN THE CLAIMS

Upon entry of the present amendment, the status of the claims will be as is shown below.

This listing of claims replaces all previous versions and listings of claims in the present application.

Claims 1-10 (Cancelled)

11. (New) A data communication apparatus that exchanges a voice packet via an IP network, the voice packet storing non-voice data, the apparatus comprising:

a memory that stores data obtained from a received voice packet;

a data processor that performs a predetermined process on the data, the data being sequentially output from the memory; and

a controller that adjusts a data output rate at which the data is output from the memory and a data processing rate at which the predetermined process on the data is performed, according to a data amount within the memory.

12. (New) The data communication apparatus according to claim 11,

wherein the data processor comprising:

a codec section that decodes the data; and

a modem that demodulates decoded data that is output from the codec section.

13. (New) The data communication apparatus according to claim 12,

wherein the controller adjusts the data output rate using a standard clock that mutually synchronizes both the codec section and the modem.

14. (New) The data communication apparatus according to claim 11, further comprising:  
a detector that detects a state where the data amount stored in the memory exceeds a predetermined upper limit,

wherein the controller changes the data output rate and the data processing rate, when the detector detects the state.

15. (New) The data communication apparatus according to claim 14,  
wherein the upper limit is set based on a fluctuation of packet arrival intervals, the fluctuation being caused by a delay within the IP network.

16. (New) The data communication apparatus according to claim 11, further comprising:  
a detector that detects a state where the data amount stored in the memory falls short of a predetermined lower limit,

wherein the controller changes the data output rate and the data processing rate, when the detector detects the state.

17. (New) The data communication apparatus according to claim 11,  
wherein the data stored in the voice packet is facsimile data.

18. (New) A data communication method for exchanging a voice packet via an IP network,  
the voice packet storing non-voice data, the method comprising:  
storing data obtained from a received voice packet into a memory;

sequentially outputting the data from the memory and performing a predetermined process on the data using a data processor; and

adjusting a data output rate at which the data is output from the memory and a data processing rate at which the predetermined process is performed on the data using the data processor, according to a data amount within the memory.

19. (New) The data communication method according to claim 18, further comprising:  
detecting a state where the data amount stored in the memory exceeds a predetermined upper limit; and  
changing the data output rate and the data processing rate when the state is detected.

20. (New) The data communication method according to claim 18, further comprising:  
detecting a state where the data amount stored in the memory falls short of a predetermined lower limit; and  
changing the data output rate and the data processing rate when the state is detected.